



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,120	08/28/2000	Thierry Laurent	P00039902	7048

7590 07/20/2004
CHRISTOPHER M. TOBIN
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/649,120

Applicant(s)

LAURENT ET AL.

Examiner

April L Baugh

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-53 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

Applicant canceled claims 1-14 and added new claims 15-53, therefore claims 15-53 are now pending.

Response to Arguments

1. Applicant's arguments with respect to claims 15-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-53 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 6,343,324 to Hubis et al.

Regarding claims 15, 30, 31, and 45, Hubis et al. teaches a storage domain system [computer product comprising a computer readable medium having computer instructions and data embodied thereon for, in a storage domain system,] to provide variable capabilities of a

Art Unit: 2141

SAN (Storage Area Network), comprising the steps of: a first logical volume to associate a first host conducting transactions on the SAN with a first storage device performing transactions received from the first host (Fig. 1, column 2, lines 14-30 and column 4, lines 9-19 and 41-43 and column 10, lines 31-36); a storage domain to configure the first logical volume with logical capabilities separate from existing physical capabilities of the first storage device based on needs of the first host (column 2, lines 47-56 and column 7, lines 48-51 and column 8, lines 43-58 and column 11, line 16 and column 13, lines 56-62).

Regarding claim 16, Hubis et al. teaches the system of claim 15, further comprising one or more storage domain servers, a first storage domain server containing the first logical volume (Fig. 1, column 2, lines 14-30 and 47-56 and column 4, lines 17-19).

Regarding claims 17, 32, and 46, Hubis et al. teaches the system of claim 15, 31, and 45, further comprising a second storage domain server containing a second logical volume, wherein the storage domain configures both the first and second logical volumes (Fig. 1, column 2, lines 14-30 and 47-56 and column 4, lines 17-19 and column 11, line 10 and 16 and column 13, lines 56-62).

Regarding claims 18, 34, and 48, Hubis et al. teaches the system of claim 15, 31, and 45, further comprising a second logical volume, wherein the first storage device is associated with both the first and second logical volumes (Fig. 1, column 2, lines 14-30 and 47-56 and column 4, lines 17-19).

Referring to claims 19, 33, and 47, Hubis et al. teaches the system of claim 15, 31, and 45, further comprising a second logical volume, wherein the first host is associated with both the

Art Unit: 2141

first and second logical volumes (Fig. 1, column 2, lines 14-30 and 47-56 and column 4, lines 17-19 and column 8, lines 43-48).

Regarding claim 20, Hubis et al. teaches the system of claim 15, wherein the first logical volume is associated with a portion of a capacity of the first host (Fig. 1, column 2, lines 14-30 and 47-56 and column 4, lines 17-19 and column 8, lines 43-48).

Referring to claims 21, 36, and 50, Hubis et al. teaches the system of claim 15, 31, and 45, further comprising a second host, wherein the first logical volume is associated with both the first and second hosts (Fig. 1, column 2, lines 14-30 and 47-56 and column 4, lines 17-19 and column 8, lines 43-48).

Regarding claims 22, 37, and 51, Hubis et al. teaches the system of claim 15, 31, and 45, further comprising a second storage domain that configures logical capabilities to the first volume separate from logical capabilities configured by the first storage domain (Fig. 1, column 2, lines 14-30 and 47-56 and column 4, lines 17-19 and column 11, line 10 and 16 and column 13, lines 56-62).

Regarding claims 23, 38, and 52, Hubis et al. teaches the system of claim 22, 37, and 51, wherein the first domain is associated with a first user of the first host and second domain is associated with a second user of the first host (Fig. 1, column 2, lines 14-30 and 47-56 and column 8, lines 43-48).

Regarding claims 24, 39, and 53, Hubis et al. teaches the system of claim 15, 31, and 45, further comprising a second storage device associated with a second logical volume, wherein the first host is associated with both the first device comprising a first operating system and a second host comprising a second operating system, and the first storage domain provides a common

Art Unit: 2141

interface to an operating system of the first host (Fig. 1, column 2, lines 14-30 and 47-64 and column 8, lines 43-48).

Regarding claims 25 and 40, Hubis et al. teaches the system of claim 15 and 31, wherein the logical capabilities comprise a guaranteed storage capacity (column 13, lines 56-61).

Regarding claims 26 and 41, Hubis et al. teaches the system of claim 15 and 31, wherein the logical capabilities comprise a guaranteed I/O bandwidth (column 13, lines 56-61).

Regarding claims 27 and 42, Hubis et al. teaches the system of claim 15 and 31, wherein the logical capabilities comprise a guaranteed availability (column 13, lines 56-61).

Regarding claims 28 and 43, Hubis et al. teaches the system of claim 15 and 31, wherein the logical capabilities comprise a guaranteed performance (column 13, lines 56-61).

Regarding claims 29 and 44, Hubis et al. teaches the system of claim 15 and 31, wherein the logical capabilities comprise a guaranteed integrity (column 7, lines 48-51).

Regarding claim 35, Hubis et al. teaches the method of claim 31, wherein the associating the first host comprises associating the first storage with both a first logical volume and the second logical volume (Fig. 1, column 2, lines 14-30 and 47-64 and column 8, lines 43-48).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to storage area networks in general: Markson et al., Blumenau et al., Schubert et al.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER